

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

John T. Metcalf,

Plaintiff,

vs.

Sophocles N. Zoullas, Alexis P. Zoullas,
Douglas P. Haensel, Jon Tomasson, Joseph M.
Cianciolo, David B. Hiley, Thomas B.
Winmill, Forrest E. Wylie, Alan S. Ginsberg,
Eagle Bulk Shipping Inc.

Defendants.

ECF

C.A. NO. 11-CV-7728-AKH

**NOTICE OF DEATH OF PLAINTIFF AND OF
UNOPPOSED MOTION FOR SUBSTITUTION OF DECEASED PLAINTIFF**

PLEASE TAKE NOTICE that, pursuant to Rule 25 of the Federal Rules of Civil Procedure, Carol S. Shahmoon, attorney for Plaintiff in the above-entitled action, will move this Court before the Honorable Alvin K. Hellerstein, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 14D, New York, New York, at a time and date convenient for the Court, for an order to substitute as plaintiff Helen Metcalf in the place of Mr. Metcalf who is deceased. Helen Metcalf, who is Mr. Metcalf's widow and the executor of his estate, has agreed to be substituted as plaintiff in this case. Defendants have reviewed these motion papers and do not oppose this motion.

Dated: June 7, 2013

CHITWOOD HARLEY HARNES LLP

By: /s/ Carol S. Shahmoon

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **“Notice Of Death Of Plaintiff And Of Unopposed Motion For Substitution Of Deceased Plaintiff”** was filed this 7th day of June, 2013, via this Court’s CM/ECF filing system, which gives electronic notice to all parties registered to receive such notice.

s/ Carol S. Shahmoon

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